

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
DELTA DIVISION**

**TUNICA WEB ADVERTISING, INC.**

**PLAINTIFF**

**VS.**

**CAUSE NO.: 2:03CV234-SA-JAD**

**BARDEN MISSISSIPPI GAMING, LLC  
(d/b/a "Fitzgerald's Casino and Hotel")**

**DEFENDANT**

**ORDER DENYING DEFENDANT'S MOTION TO STRIKE**

This cause comes on for consideration on Defendant Barden Mississippi Gaming, LLC's (d/b/a "Fitzgerald's Casino and Hotel") Motion in Strike [411]. The Court finds as follows:

On July 11, 2008, Plaintiff provided a Supplementation by Plaintiff's Expert of Damages Data Resulting from New Market Data. Defendant moves to exclude the testimony and exhibits as untimely claiming that the time for designating experts and providing reports has passed.

The Court finds that the Motion to Strike is **DENIED**. The Court acknowledges a duty to supplement. It is undisputed that the expert's manner of calculation remains unchanged. The supplement is merely an update to make the figures current and relevant at the time of trial.

So **ORDERED**, this the 14th day of August, 2008.

**/s/ Sharion Aycock  
U.S. DISTRICT COURT JUDGE**